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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,911	03/28/2001	Daniel Crosson	10006946-1	4361

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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VU, THONG H

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/819,911	<b>Applicant(s)</b> CROSSON, DANIEL	
	<b>Examiner</b> Thong H. Vu	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-53 are pending.

***Response to Arguments***

2. Applicant's arguments filed 5/07/07 have been fully considered but they are not persuasive to overcome the prior art.

Claim 1:

A. Applicant argues the prior art does not teach "receiving request for domain name from a client "

Examiner points out the prior art taught the Domain name server with a cluster of servers connected to the different user via Internet, [Lamberton, Fig 1] ; a web browser sends request to DNS server and load balancer provides the domain name or server address to the client [Lamberton, Fig 3, col 6 line 6-col7 line 10]

B. Applicant argues the prior art does not teach " a set of IP routes"

Examiner points out the prior art taught the computer on a backbone network may exchange information [Dynarski, col 4 lines 41] including a page of device may contain several pieces of information or addresses [Dynarski, col 7 lines 40-57]

C. Applicant argues the prior art does not teach "meet predetermined criteria"

Examiner points out the prior art taught "the server that met the criterion fro being elected to process request [Lamberton, col 6 line 33]

Thus, the rejection is sustained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamberton et al [Lamberton, 6,779,017 B1] in view of Dynarski et al [Dynarski 6,272,129 B1].

3. As per claim 1, Lamberton discloses a method for Internet protocol (IP) address selection, comprising the steps of:

a single domain name to a set of server IP addresses corresponding to plural servers receiving a request for the domain name from a client IP address [Lamberton, single DNS, col 5 lines 3, cluster of servers, col 5 line 15];

retrieving a set of IP routes linking the server IP addresses and the client IP address [Lamberton, a packet contains the source IP address and destination address routes between client and server, col 5 lines 13];

selecting an IP route from the set of routes which meets predetermined criteria [Lamberton, met the criterion for being elected, col 6 lines 35-40; selected server carrying the actual DNS name as required, col 7 lines 11-27, Fig 4].

However Lamberton does not explicitly detail

Assigning a set of server address

Dynarski taught the computer on a backbone network may exchange information [col 4 lines 41] including a page of device may contain several pieces of information or addresses [col 7 lines 40-57]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the technique of assigning a single domain name server to a set of addresses as taught by Dynarski into the Lamberton's apparatus in order to utilize the exchange information process between network nodes.

Doing so would provide a simple, efficient and automatic way of permitting the communication between nodes.

4. As per claims 2,11 Lamberton-Dynarski disclose retrieving the set of IP routes from a cache database [Lamberton, database, col 1 lines 55-60].

5. As per claims 3,12 Lamberton-Dynarski disclose retrieving the set of IP routes from an IP routes database [Lamberton, database, col 1 lines 55-60].

6. As per claim 4, Lamberton-Dynarski disclose retrieving the set of IP routes from a set of routers using a BGP protocol as inherent feature of gateway, firewall [Lamberton, col 3 lines 24,49].

7. As per claim 6, Lamberton-Dynarski disclose retrieving the set of IP routes from a set of routers using a Telnet protocol as inherent feature of gateway, firewall.

8. As per claim 7, Lamberton-Dynarski disclose selecting the IP route from the set which has a shortest AS path (Autonomous System) as inherent feature of gateway, firewall.

9. As per claim 8, Lamberton-Dynarski disclose selecting the IP route from the set which has a lowest origin type [Lamberton, select the least busy servers, col 6 line 28].

10. As per claim 9, Lamberton-Dynarski disclose selecting the IP route from the set which has a lowest MED (Multi-Exit-Disc) [Lamberton, select the least busy of the servers, col 6 line 28].

11. As per claim 10, Lamberton-Dynarski disclose selecting the IP route from the set equal to a default IP address as a design choice.

12. As per claim 14, Lamberton-Dynarski disclose transmitting an IP address from the set of server IP addresses which corresponds to the selected IP route as inherent feature of gateway, firewall.

13. As per claim 25 contains the similar limitations set forth in claim 1. Therefore claim 25 is rejected for the same rationale set forth in claim 1.

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14. As per claim 26, Lamberton-Dynarski disclose a cache database, coupled to the domain name server for storing previously selected IP routes [Lamberton, database, col 1 lines 55-60].

15. As per claim 27, Lamberton-Dynarski disclose the IP routes database is for storing all of the IP routes [Lamberton, database, col 1 lines 55-60].

16. As per claim 28, Lamberton-Dynarski disclose a domain name system server includes an enhanced address resource record storing the single domain name, a list of the servers and routers, a set of router retrieval parameters, a default IP router; and the domain name system server accesses the retrieval parameters in order to select the IP routes [Lamberton, a single DNS name, group of server, col 4 line64-col 5 line 26].

17. As per claim 29, Lamberton-Dynarski disclose the client IP address corresponds to a client and the set of server IP addresses correspond to respective servers, wherein the set of IP routes comprises IP routes from the client to respective servers, and wherein selecting the IP route comprises selecting the IP route corresponding to the server that satisfies the predetermined criteria [Lamberton, met the criterion for being elected, col 6 lines 35-40; selected server carrying the actual DNS name as required, col 7 lines 11-27, Fig 4].

18. As per claim 30, Lamberton-Dynarski disclose selecting the IP route to the server associated with a shortest path from the client [Lamberton, select the least busy of the servers, col 6 line 28].

19. As per claim 31, Lamberton-Dynarski disclose the assigning, receiving, retrieving, and selecting acts are performed by a domain name system (DNS) server [Lamberton, DNS, col 6 lines 6-67].

20. As per claim 32, Lamberton-Dynarski disclose retrieving a set of IP routes where each IP route is defined by at least two IP addresses [Lamberton, IP routes between client and server, col 5 lines 1-26].

21. As per claim 33, Lamberton-Dynarski disclose prior to retrieving the set of IP routes, checking a database in a cache to find an IP route entry containing an IP route previously indicated as being a best IP route; and in response to finding the IP route entry in the cache, using the IP route previously indicated as being the best IP route as the selected IP route [Lamberton, select the least busy of the servers, col 6 line 6-67].

22. As per claim 34, Lamberton-Dynarski disclose retrieving the set of IP routes is performed from an IP routes database, and wherein retrieving the set of IP routes from the IP routes database is in response to determining that the IP route entry is not present in the cache [Lamberton, database, col 1 lines 55-60].



23. As per claim 35, Lamberton-Dynarski disclose accessing a field in a record, the field to indicate one of plural techniques for downloading IP routes from routers to the DNS server; and based on the technique identified by the field, establish one or more sessions with the routers to download IP routes from the routers into an IP routes database in the DNS server, wherein retrieving the set of IP routes is performed from the IP routes database [Lamberton, database, col 1 lines 55-60].

24. As per claim 36, Lamberton-Dynarski disclose establishing one or more Border Gateway Protocol (BGP) sessions with the routers to download IP routes from the routers into the IP routes database, in response to the field indicating use of BGP retrieval as inherent feature of gateway, firewall.

25. As per claim 39, Lamberton-Dynarski disclose establishing one of plural different types of sessions corresponding to the one of plural techniques specified by the field to download IP routes from the routers into the IP routes database [Lamberton, different servers, col 6 line1].

26. Claims 15-17,19-24;40-48 and 25-28,49-53 contain similar limitations set forth in claims 1-4,6-12,14,29-36,39. Therefore claims 15-17,19-24;40-48 and 25-28,49-53 are rejected for the same rationale set forth in claims 1-4,6-12,14,29-36,39.

27. As per claims 5,18 Lamberton discloses an Internet environment with firewall and group or set of servers [Lamberton, Fig 2].

However Lamberton does not explicitly detail "using an SNMP protocol".

In the same endeavor, Dynarski discloses a method for allocation wireless mobile nodes over Internet network including SNMP and Telnet [Dynarski, col 14 lines 1-7].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the SNMP and Telnet services as taught by Dynarski into the Lamberton's apparatus in order to utilize the DART network interacts with other technologies. Doing so would provide a simple, efficient and automatic way of permitting the terminal on the IP network to initiate communication with the wireless device [Dynarski, col 2 lines 15-26].

28. As per claim 13, Lamberton-Dynarski disclose defining an enhanced address resource record, including a domain name, a list of corresponding servers and routers, router retrieval parameters, a default client/server IP route, and timeouts [Dynarski, IP link, col 8 lines 9-18; Dormant state, col 13 lines 4-8, domain, col 16 lines 50-67].

29. As per claims 37, Lamberton-Dynarski disclose establishing one or more Simple Network Management Protocol (SNMP) sessions with the routers to download IP routes from the routers into the IP routes database, in response to the field indicating use of Management Information Base (MIB) [Dynarski, SNMP, col 14 lines 1-7].

30. As per claim 38, Lamberton-Dynarski disclose establishing one or more Telnet sessions with the routers to download IP routes from the routers into the IP routes database, in response to the field indicating use of Telnet retrieval [Dynarski, Telnet, col 14 lines 1-7].

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Lynn Feild*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Thong Vu*  
**Primary Examiner**



**THONG VU**  
**PRIMARY PATENT EXAMINER**